

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Webb,	)	CASE NO: 1: 07 CV 2200
	)	
	)	
Plaintiff(s),	)	JUDGE DONALD C. NUGENT
	)	
vs.	)	NOTICE:
	)	CASE MANAGEMENT CONFERENCE
	)	
United States of America,	)	
	)	
Defendant(s).	)	

This case is subject to the provisions of Rules 16.1-16.3, concerning Differentiated Case Management (DCM), of the Local Rules (LR) of the Northern District of Ohio. All counsel are expected to familiarize themselves with the Local Rules as well as with the Federal Rules of Civil Procedure. The Court will evaluate this case in accordance with LR 16.2 and assign it to one of the case management tracks described therein. Each of the tracks (expedited, standard, complex, mass tort, and administrative) has its own set of guidelines and timelines governing discovery practice, motion practice, and trial. Discovery shall be guided by LR 26.1-37.2 and motion practice shall be guided by LR 7.1-7.3. All papers shall conform to LR 10.1 and shall be filed electronically in accordance with LR 5.1(c) and 49.2(c). Further, in regard to filing discovery materials, and unless otherwise ordered by the Court,

initial disclosures, discovery depositions, interrogatories, requests for documents, requests for admissions, and answers and responses thereto shall not be filed, except that discovery materials may be filed as evidence in support of a motion or for use at trial.

### **SCHEDULING OF CASE MANAGEMENT CONFERENCE**

All counsel and/or parties will take notice that the above-entitled action has been set for a Case Management Conference (CMC) on **October 18, 2007 at 9:45 a.m.** before Judge Donald C. Nugent, Room 15A, Carl B. Stokes U.S. Court House, 801W. Superior Avenue, Cleveland, Ohio 44113.

### **PRESENCE OF LEAD COUNSEL AND PARTIES**

Local Rule 16.3(b) requires the attendance of both parties and lead counsel at the CMC. “Parties” in this context means either the named individuals or, in the case of a corporation or similar legal entity, the person who is most familiar with the actual facts of the case. “Party” does not mean in-house counsel or someone who merely has “settlement authority.” If the presence of a party or lead counsel will constitute an undue hardship, a written motion to excuse the presence of such person must be filed well in advance of the CMC.

The Court will only excuse parties’ attendance under extraordinary circumstances. Failure of either lead counsel or parties to attend may result in sanctions at the Court’s discretion.

### **TRACK ASSIGNMENT**

Pursuant to LR 16.3(a), this case is assigned to the **Standard track**. Track designation may be subject to reconsideration at CMC.

**APPLICATION OF FED. R. CIV. P. 26(a)**

Rule 26(a) of the Federal Rules of Civil Procedure, as amended December 1, 1993, mandates a series of required disclosures by counsel in lieu of discovery requests unless otherwise stipulated or directed by order of the Court or by local rule.

In the above-entitled case, FED. R. CIV. P. 26(a) shall apply as follows:

\_\_\_\_ All disclosures mandated by Rule 26(a) shall apply, including Initial Disclosures (Rule 26(a)(1)), Disclosure of Expert Testimony (Rule 26(a)(2)), and Pre-Trial Disclosures (Rule 26(a)(3)).

X Initial Disclosures (Rule 26(a)(1)) shall not apply; Disclosure of Expert Testimony (Rule 26(a)(2)) and Pre-Trial Disclosures (Rule 26(a)(3)) shall apply.

**CONSENT TO JURISDICTION OF MAGISTRATE JUDGE**

A Magistrate Judge has been assigned to assist in this case. The parties are encouraged to discuss and consider consenting to the jurisdiction of the Magistrate Judge.

**PREPARATION FOR CMC BY COUNSEL**

The general agenda for the CMC is set by LR 16.3(b). Counsel for the plaintiff shall arrange with opposing counsel for the meeting of the parties as required by FED. R. CIV. P. 26(f) and LR 16.3(b). A report of this planning meeting shall be jointly signed and submitted to the Clerk for filing not less than two (2) working days before the CMC. The report shall be in a form substantially similar to Attachment 1.

**FORMAL DISCOVERY STAYED UNTIL CMC**

Pursuant to LR 26.2, counsel are reminded that no preliminary formal discovery may be conducted prior to the CMC except “such discovery as is necessary and appropriate to support or defend against any challenge to jurisdiction or claim for emergency, temporary, or preliminary relief . . . .” This does not affect any disclosure required by FED. R. CIV. P. 26(a)(1) or by this order.

#### **AGENDA FOR CASE MANAGEMENT CONFERENCE**

The Court directs the attention of counsel to the agenda for the CMC as set forth in FED. R. CIV. P. 16(b)-(c) and LR 16.3(b).

#### **MOTIONS FOR CONTINUANCE**

Any motion for continuance of the CMC shall be in writing. In the event of a conflict, the parties shall present their explanation of the conflict by way of affidavit. The motion shall also be accompanied by a statement identifying each day the party or counsel is available for the CMC within the one-week period before and the one-week period after the scheduled CMC.

#### **PLACE AND TIME FOR FILING OF MOTIONS**

Any motion dealing with any aspect of the CMC or initial pleadings in the case must be filed in the Office of the Clerk located in Cleveland, Ohio. All such motions must be filed at least five (5) business days before the scheduled CMC. **Failure to comply with this directive will likely result in the denial of the relevant motion.**

It is the responsibility of counsel for the plaintiff(s) to verify that a copy of this Order has been received by counsel for defendant(s) or, if no counsel has entered an appearance for defendant(s), that is has been received by defendant(s) themselves.

**OTHER DIRECTIVES**

**Parties shall submit a courtesy copy of all filings over 15 pages in length, including all dispositive motions, oppositions and replies, along with all supporting material to chambers.**

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**RESOLUTION PRIOR TO CMC**

In the event that this case is resolved prior to the CMC, counsel should submit a jointly signed stipulation of settlement or dismissal, or otherwise notify the Court that the same is forthcoming.

IT IS SO ORDERED.

/s/Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

DATE: September 11, 2007

ATTACHMENT 1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

	)	CASE NO.
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
	)	
vs.	)	REPORT OF PARTIES' PLANNING
	)	MEETING UNDER FED. R. CIV.
	)	P. 26(f) AND LR 16.3(b)
	)	
Defendant.	)	

1. Pursuant to FED. R. CIV. P. 26(f) and LR 16.3(b), a meeting was held on

\_\_\_\_\_, 2000, and was attended by:

\_\_\_\_\_ counsel for plaintiff(s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ counsel for plaintiff(s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ counsel for defendant(s) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ counsel for defendant(s) \_\_\_\_\_

2. The parties:

\_\_\_\_\_ have exchanged the pre-discovery disclosures required by FED. R. CIV. P.  
26(a)(1) and the Court's prior order;  
\_\_\_\_\_ will exchange such disclosures by \_\_\_\_\_, 2000;  
\_\_\_\_\_ have not been required to make initial disclosures.

3. The parties recommend the following track:

\_\_\_ Expedited      \_\_\_ Standard      \_\_\_ Complex  
\_\_\_ Administrative      \_\_\_ Mass Tort

4. This case \_\_\_ is/\_\_\_ is not suitable for electronic filing.

5. This case is suitable for one or more of the following Alternative Dispute Resolution

(ADR) mechanisms:

\_\_\_ Early Neutral Evaluation    \_\_\_ Mediation      \_\_\_ Arbitration  
\_\_\_ Summary Jury Trial      \_\_\_ Summary Bench Trial  
\_\_\_ Case not suitable for ADR

6. The parties \_\_\_do/\_\_\_do not consent to the jurisdiction of the United States Magistrate  
Judge pursuant to 28 U.S.C. § 636(c).

7. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought and the nature and extent  
of discovery.

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(b) Discovery cut-off date: \_\_\_\_\_

8. Recommended dispositive motion date: \_\_\_\_\_

\_\_\_\_\_

9. Recommended cut-off date for amending the pleadings and/or adding additional parties: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. Recommended date for a Status Hearing: \_\_\_\_\_

11. Other matters for the attention of the Court:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attorney for Plaintiff(s) \_\_\_\_\_

\_\_\_\_\_

Attorney for Plaintiff(s) \_\_\_\_\_

\_\_\_\_\_

Attorney for Defendant(s) \_\_\_\_\_

\_\_\_\_\_

Attorney for Defendant(s) \_\_\_\_\_

\_\_\_\_\_